THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.8728 of 2007

Dated 12-07-2007

Between:

Thummiti Pavan Kumar

…Petitioner

And

Principal Secretary to Government and Legislature,
Hyderabad and others.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.8728 of 2007

ORDER:

The petitioner is an Advocate practicing, in the Courts at Karimnagar. The posts of Additional Public Prosecutors for the Courts of III Additional Sessions Court, Karimnagar, and the Assistant Sessions Court, Karimnagar, fell vacant, and steps were initiated for filling the same, in accordance with Section 24 of Cr.P.C., and the A.P. Law Officers (Appointment and Conditions of Service) Instructions, 2000 (for short 'the *Instructions*'). The petitioner contends that the learned Sessions Judge, Karimnagar, had prepared and forwarded a panel, without undertaking any consultation with the Courts for which, the Additional Public Prosecutors are to be appointed. He submits that the Presiding Officers of the concerned Courts would be in a better position,

to assess the performance of the Advocates, and the steps taken by the 2nd respondent cannot be sustained in law.

Heard Sri V. Sriranga Rao, learned counsel for the petitioner, and Sri P.V. Sanjay Kumar, Advocate on record, for High Court.

Section 24 of the Cr.P.C. prescribes the procedure to be followed, in the matter of appointment of Public Prosecutors, and the instructions contained in G.O.Ms.No.187, (Law (L) Department, dated 16-12-2000 supplement it. The purport of the same is that, the District Magistrate of the concerned District, shall prepare a panel of Advocates, in consultation with the Sessions Judge, and forward the same to the Government, for consideration. The power, to prepare a panel, is vested with the District Magistrate, and the role of the Sessions Judge, is restricted to the one, of consultation. Neither

in the Code, nor in the Instructions, any role is assigned to the Presiding Officer of the Court, to which Additional Public Prosecutor is to be appointed.

In ***J. Chandramohan Goud v. Junior Civil Judge,***

Pattikonda[1], this Court took the view that, it is not mandatory for the Sessions Judge, to consult the Presiding Officer of the Court, for which the Additional Public Prosecutor is to be appointed. It was also observed that, when the role of the Sessions Judge, itself is restricted to the one, of consultation, the absence of any consultation, between himself and the Presiding Officer of the Court, to which the Additional Public Prosecutor is to be appointed; would be of no consequence.

In that view of the matter, this Court does not find any basis to grant any relief to the petitioner. The writ petition is accordingly dismissed. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.12-07-2007

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[1] 2007 (4) ALD 65